

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SALOMON LOPEZ,

18-cv-7564 (JGK)

Plaintiff,

ORDER

- against -

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

JOHN G. KOELTL, District Judge:

The Court has reviewed the Report and Recommendation of Magistrate Judge Aaron dated January 4, 2020. No objections to the Report and Recommendation have been filed and the time for filing such objections has passed. In any event, the Court finds that the Report and Recommendation are well founded and should be adopted.¹

In accordance with the Report and Recommendation, the plaintiff's motion is **denied**, the Commissioner's cross-motion is

¹ The Report and Recommendation states that the plaintiff filed applications for disability insurance benefits and supplemental security income benefits. Report and Recommendation at 1-2. While the complaint in this action claimed the plaintiff was entitled to receive "disability insurance benefits and/or Supplemental Security Income benefits," Dkt. No. 1, the plaintiff filed an application only for Supplemental Security Income, Dkt. No. 13 at 15, 168. In any case, the statutory definitions of disability are identical under both Title II Disability Insurance and Title XVI Supplemental Security Income Programs. Compare 42 U.S.C. § 423(d) with 42 U.S.C. § 1382c(a)(3). Cases under 42 U.S.C. § 423 are cited interchangeably with cases under 42 U.S.C. § 1382c(a)(3). See Hankerson v. Harris, 636 F.2d 893, 895 n.2 (2d Cir. 1980). The Magistrate Judge found that there was no basis to reverse the Commissioner's determination that the plaintiff was not disabled during the relevant period.

granted, and this action is **dismissed**. The Clerk is directed to enter judgment in favor of the Commissioner and to close this case.

SO ORDERED.

Dated: **New York, New York**
January 22, 2020

/s/ John G. Koeltl
John G. Koeltl
United States District Judge